

20 May 1793  
8135-6-13  
3  
THE

# S P E E C H

OF THE RIGHT HON.

CHARLES JAMES FOX, R

IN THE

HOUSE OF COMMONS, Jan. 4, 1793.

ON THE

A L I E N B I L L.

---

LONDON:

PRINTED FOR JAMES RIDGWAY, YORK-STREET, ST. JAMES'S-  
SQUARE.

---

[Price Three-pence, or 100 Copies for 20s.]



10 47 9  
158

---

THE  
S P E E C H  
OF THE RIGHT HON.  
CHARLES JAMES FOX.

---

**M**R. Fox said, the immediate question before the House had been treated in a manner so general, so many extraneous topics had been introduced, that he must depart from the mode in which he meant to have treated it. He would begin with the state of the country, and examine what degree of danger existed when Parliament met, and what degree of danger existed now. His opinion on the first day of the Session, and he hoped he should not be misunderstood, or what he said misinterpreted now, as had been the case then, was that no danger existed to justify the calling out the militia, and assembling Parliament, and in the manner in which this was done. His Hon. Friend (Mr. Wyndham) had said, that the dangers alledged in the proclamation were not to be judged of in detail; that they would make no figure mentioned individually,

but were to be estimated by the impression made upon every man's mind, by the whole taken together: That they were not to be detailed he was ready to admit, for,

Dolus versatur in generalibus,

they would not bear detailing; if they were to be mentioned individually, they would appear so many insignificant circumstances, as to excite ridicule instead of alarm, and therefore his Hon. Friend did right in begging that they might not be so mentioned. The danger, whatever might be its degree, had two sources; first, the fear of the propagation of French opinions in this country, and next, the fear of the progress of the French arms. These might for one purpose be taken conjointly, but he entreated that they might be first considered distinctly, for he saw them in very different points of view. The propagation of French opinions in this country was, in his opinion, so very small, so very much confined, as to afford no serious cause of alarm to any mind of rational constancy. It had been said, that the proclamation at the close of the last session of Parliament, had checked the growth of the evil; but this was a mere *gratis dictum*, for those who said so, were not able to adduce juridical, for that was not required of them, but prudential proof that it ever had existed. What then was the alarm? Those who thought they had cause for alarm in May, might naturally think that they had still greater cause, that those who entertained those obnoxious opinions, would disseminate them with greater confidence, would  
act



act on them with greater boldness when the French arms prospered. For parts of the country where he had not resided, he did not pretend to answer ; but, in this town at least, and, as he had every reason to believe, in all other parts of the kingdom, these French opinions were not adopted to any degree that could be called alarming. His Honourable Friend had said, let them compare the phænomena with the theory, and they could not fail to be convinced of the danger. His Hon. Friend's mind, he rather believed, was so full of the theory, that he could not help inferring the phænomena, instead of raising the theory from well ascertained phænomena. He (Mr. Fox) had always said, that whatever progress the doctrines of France might make in other countries, they would make but little here, where rational liberty was enjoyed and understood. He founded his hopes of this on his own opinion of the Constitution, and the attachment of the people to it, and the event had justified his hopes instead of the fears of some other persons. If real danger had existed, if those from whom it was apprehended had been proceeding to action ; if they had been rising in arms, if they had been going to take possession of the Tower, suppositions which now no man believed, then indeed calling out the militia would have been a wise and a necessary measure. But if no such act was impending, to what purpose was a military force prepared ? To repel opinion ; opinions were never yet driven out of a country by pikes, and swords, and guns. Against them the militia was no defence. How then were they to be met if they existed ? By contempt, if they were absurd ; by argument if spe-

cious ; by prosecutions, if they were seditious ; although that certainly was not a mode which he would recommend, but it was a mode which Ministers had before resorted to, and which they had still in their power. If, then, no act founded on these opinions was believed to be committed or intended, they who voted against the address on the first day of the session were right, for no good ground had been laid for the measures which they were called upon to approve. Could not Ministers have prosecuted Paine without an army ? Was any apprehension stated, that the trial would not be suffered to go on in the usual course ? He had been asked by a learned gentleman, whether or not a book with an evil tendency was to be declared innocent, because not coupled with any act, and without proof of extrinsic circumstances ? His answer was——certainly not, but the evil tendency must be proved. Sometimes the evil tendency might be evident from the book itself ; sometimes it might not, without being coupled with extrinsic circumstances, and where this was the case, the extrinsic circumstances must be proved to the satisfaction of the jury, before they were warranted in pronouncing guilty. This was his opinion ; and this, he thought, had been so sufficiently understood by both sides of the House in the debates on the Libel Bill, as to prevent any misrepresentation. The alarm then on the propagation of opinions could not justify the remedy which Ministers had adopted, especially when it was coupled with a false assertion of insurrections ; and therefore it did not create, it certainly augmented the alarm---he meant not in the mind  
of

of his Honourable Friend ; he had been full of alarm for several months ; an alarm that had taken such complete possession of his ardent imagination, that he could attend to nothing else, and he feared it would be several months more before it could be set right.

Another ground of alarm was the progress of the French arms. They who represented him as indifferent to that progress, did him great injustice. He was by no means so. He thought the same national spirit, that under Louis XIV. had threatened the liberties of all Europe, might influence, and actually had influenced, the conduct of the French at present ; and he might perhaps think, that this national spirit was more likely to collect and to act now, than at the time to which he alluded. He had even said, that this country ought to have interfered at an earlier period. He differed from a Noble Lord (Wycombe) who had spoken so ably, that he was sorry he could not concur in all the Noble Lord had said, on two material points. He was clearly of opinion, that the navigation of the Scheldt, if not guaranteed to the Dutch by the letter of the treaty of 1788, was virtually guaranteed to them by that treaty ; and if they insisted upon it, would be a good *casus foederis* for going to war. He differed also from the Noble Lord in thinking, that however much he might disapprove of any treaty at the time it was negotiating, when concluded, it was as religiously to be adhered to by those who disapproved of it, as by those who made it. But in all these cases, both the contracting parties were to be considered, the principal and the ally ; and



they were not to go to war, even in support of the treaty, without a mutual regard to the joint interests of both. In the present case he thought it probable, that considering the risk to be run, and the doubtful advantage of the monopoly of the Scheldt, Holland might prefer the giving it up to the danger and expence of a war. If so, surely we were not to force the Dutch into a war against their own sense of their own interest, because we were their ally. The decree of the French Convention of instruction to their Generals, he should also consider as a declaration of hostility, if not repealed, or explained to our satisfaction; always understanding that this satisfaction was to be demanded in the proper way. He therefore saw causes of external danger, and might perhaps think that it was in a great measure owing to the neglect of Ministers; but when he saw the armies and the fleets of France, and recollected that we had no public means of communication, by which any difference that had arisen, or might arise, could be explained, the danger appeared great and imminent indeed. When he considered the various relations in which we stood with respect to France, and the numerous points on which the two countries might interfere, the circumstance alone of having no public communication, would in itself be a great cause of peril. For this reason he had voted for an army and a navy, not for any of the eccentric reasons given by his Honourable Friend (Mr. Wyndham) that he would support Ministers, because he thought them unfit for their situations, but because he never knew a Minister so bad as that he would not trust him with



with a fleet and army rather than expose the country to danger. Having thus discriminated the internal and external danger, he would ask how the measures that had been adopted were the proper remedy. If considered distinctly, either the measure or the mode did not apply. If connected, the remedy for the one, was no remedy for the other. If France threatened to invade Holland, or refused an explanation of the offensive decree, calling out the militia would be right; but for crushing objectionable opinions or doctrines assuredly not.

He knew not how to fight an opinion, nor did history furnish him with instruction. The opinions of Luther and of Calvin had been combated by arms—there was no want of war, no want of blood, no want of confederacies of princes to extirpate them. Were they extirpated?—No—they had spread and flourished by bloodshed and persecution. The comparison of these, with opinions of another description, might seem invidious, but it was so only if they were attacked by reason, not if attacked by war. By force and power, no opinion, good or bad, truth or heresy, had ever been subdued. But then, it was said, if we went to war, one of the weapons of the French would be instilling their opinions into the minds of our people. If it was, he trusted it would fail. But would a danger so much dreaded in peace be less in time of war; War it was to be hoped would be successful; but were we such children as to forget, that in war the sway of fortune was great, and that the burden of certain taxes, disgust at ill success, and rage at misconduct, would dispose the minds of  
men

men to receive doctrines and impressions unfavourable to the Constitution. Even all this he hoped they would resist; but it would be putting them to a severer trial than he wished to see. On these opinions it was not necessary for him to say, that he who loved the Constitution disapproved of the opinions of those who said that we had no Constitution. His love of the Constitution was to the Constitution on its old form, which had subsisted by constant reformation, and was of such a nature, that if it was not improving, it was in a state of decay. He was happy to find by the resolutions from various parts of the country, that in this opinion he was not singular. Like every human production, the Constitution was not perfect, and if it were it would not long continue so, unless the practice of it were not carefully watched, if that spirit of vigilance on the part of the People, which was its best security, were lulled to sleep. Melancholy therefore as the present prospect was, he saw more danger than ever from that prospect, from pushing the present alarm too far, making them see the picture all on one side—the dangers of anarchy only, while they were inattentive to the abuses and encroachments of the Executive Power on the other. If the Bill was intended to guard us against internal danger, while we were at war with France, we knew that in 1715 and 1745, the French had not been sparing of attempts to sow dissensions, and excite rebellion in the country, and yet we had, by the Commercial Treaty, provided for the protection of the Aliens of both countries, even after an actual declaration of war! Did it guard against the introduction

tion of opinions? No---we had not yet come to the measure of prohibiting all French books and papers, which Spain had adopted about a year ago; nor was the policy or the wisdom of it so much applauded, as to induce us to follow the example. But these opinions were propagated by conversation. What! did a Frenchman when he landed find an audience to understand the terms of his philosophy, and immediately open a sort of Tusculan disputation? Were they disseminated in clubs and convivial meetings where men were disposed to approve rather of what was animated than what was proper? The very idea of a Frenchman getting up to harangue in his broken English, at such a Meeting, was too ridiculous to be mentioned. If they were propagated at all, it must be by English agents, and these, if any such there were, which he did not much believe, would remain in the kingdom if every foreigner were sent out of it. The preamble of the Bill was a complete delusion, for it stated the extraordinary resort of aliens to this country, as the pretence of the Bill, while every body knew that extraordinary resort to be occasioned by circumstances that had no connection with it. The spirit of it was kept up in the mode of the defence; for it was said by one Gentleman, that 400 Aliens had *marched* into London in one day; while another Gentleman (Mr. Burke), said he had examined these Aliens, and found that they were not dangerous. Surely where that Right Honourable Gentleman saw no danger, every body else might be perfectly at ease. With respect to the emigrants, among whom it was meant to make a distinction by the Bill,



Bill, he would protect those who had fallen a sacrifice to their opinions in favour of the old government of France, not because he approved their principles, but because he respected their misfortunes. With respect to those who suffered for their attachment to the new Constitution, he had heard it said by a person of high rank, that, if La Fayette were here, he ought to be sent out of the country. Was this to be endured? Was it fit to vest any Ministers with such a power, merely in the hope that they would not abuse it? The third description, those who had fled for fear of punishment, for being concerned in the detestable massacre of the 2d of September, all men would wish to see removed; but was this a sufficient ground for a particular law. The horrors of that day ought not to be mentioned as the act of the French government, or the French people, for both disclaimed it;---but to disclaim was not enough---that the crime was not prevented or followed up by striking examples of punishment, would be an indelible disgrace to Paris and to France: but were we to go to war on account of these inhuman murders, no war could be rational that had not some object, which being obtained, made way for peace. We were not he trusted, going to war for the restoration of the old French Government, nor for the extermination of the French People. What then had the horrors committed in France to do with the reasons of war? but they had to do with the passions of man, and were held out to blind their judgment by exciting their indignation. That we might have a rational, an intelligible account of the object for which we were going to war, he had

had made the propositions on which the house had already decided, and notwithstanding their ill success, he should not desist till such an account was obtained.

The Prerogative of the Crown to send Foreigners out of the kingdom, said to be left untouched by the Bill, ought not to remain in doubt. The single instance produced from the reign of Henry IV. was counterbalanced by another in the same reign, when the King did the same thing by the authority of Parliament, which he had before done by his own power. He believed that the prerogative did not exist, and if it did, that it was too dangerous to be suffered to remain. If, on the other hand, it was a prerogative for the good of the people—if, indeed, the word people were not expunged from our political Dictionary—the good of the people being the only foundation that he knew for any prerogative, it was fit that it should be clearly defined and understood, either by an enacting or a declaratory law. In answer to Lord Mulgrave, he paid a handsome compliment to Mr. Erskine, to whose abilities and perseverance it was owing that the verdict of a Jury could now be had on the guilt or innocence of any writing charged as libellous; and said, that he would have been guilty of a breach of honour in his profession, if he had shrunk from the defence of Mr. Paine, or shewed that any man prosecuted in this country could be deprived of the advantage of Counsel, where Counsel was allowed by law. To the charge of inconsistency in having signed the declaration of a society against seditious writings, while he thought such societies illegal, he said he did not under-

understand the declaration as meaning to prosecute any writings by subscription, and was told that the money subscribed was not for any such purpose, but to pay for papers and advertisements. If he had misunderstood the one, or been misinformed in the other, he would withdraw his name. He had signed a declaration of attachment to the Constitution, because he thought it of importance at the present moment to let foreigners, and especially the French see, that men of all descriptions were firmly attached to it; that they had been grossly deceived by the addresses from this country, which told them, that their doctrines were very generally adopted here—that they had been deceived by the Minister's Proclamations, stating that there was great danger from their doctrines—that they were deceived by the alarms expressed by some of his own friends. This he had done, and every thing consistent with honour, he would still do to prevent a war with France, more especially a war on false hopes, on one part, and false grounds, on the other. On the subject of party connections, it was seldom proper, at all times difficult to speak, and he was not called upon to do it. He would just only shew his Honourable Friend a few of the consequences from the doctrine he had laid down. His Honourable Friend would oppose a Ministry while he had hopes of turning them out, and seeing his friends get into their places, but when these hopes were at an end, he would join them. Many of those who had formerly opposed Ministers, had done so—more would follow their example; but they never dreamt that they should have so good a defence for their conduct, as the  
system



system of his Honourable Friend—a doctrine much more convenient for others than he was sure it ever would be for himself. Was it a fit lesson to teach Ministers, that if by their misconduct the public safety were brought into danger, then they should have the support of those who had before opposed them? Would it curb the inordinate and selfish ambition of men in power to say, that if he thought them so good as to resign their places rather than their country should suffer, he would oppose them; but if he thought them so bad as to sacrifice their country to their own love of place, he should feel himself bound not only to withdraw his opposition but to join them. If his Honourable Friend did join Ministers, they would not have much reason to be proud, for on his own principle, in proportion to the support he gave them, would be his bad opinion of those to whom he went, and his good opinion of those whom he left. Would it not be difficult to draw the line, to determine when a Minister had done just mischief enough to deserve to be supported? Mr. Fox, after putting this in a variety of most happily imagined and most striking points of view, concluded a speech of which we have been able only briefly to touch on the most important heads, with moving, That the further consideration of the Bill be postponed to that day three weeks, in order to give time for enquiry into the grounds of the necessity alleged for it.

*This Day is Published, for J. Ridgway.*

1. The **SPEECH** of the Hon. **THOMAS ERSKINE**, at a Meeting of Friends to the Liberty of the Press, with the Resolutions of that truly Patriotic Body. 3*d.* or 100 20*s.*

2. Mr. **PAINE'S TRIAL**, with Mr. **ERSKINE'S SPEECH** at full Length. 6*d.* or 100 30*s.*

3. Mr. **FOX'S SPEECH** at the Opening of Parliament. 3*d.* or 100 20*s.*

4. Mr. **FOX'S SPEECH** on a WAR with FRANCE. 2*d.* or 100 12*s.*

5. Mr. **FOX'S SPEECH** at the WHIG CLUB. 2*d.* or 100 16*s.*

6. CAPT. **GAWLER'S ACCOUNT** of his being TURNED OUT of the ARMY. 3*d.* or 100 20*s.*

7. FOUR LETTERS to JUDGE **ASHURST**, Mr. **REEVES**, **THOMAS BULL**, &c. 3*d.* or 100 20*s.*

8. The ADDRESS of the IRISH FRIENDS of the PEOPLE, the Duke of Leinster in the Chair. 3*d.* or 100 20*s.*

9. The RESOLUTIONS of the UNITED IRISH, ADDRESS-ED to the FRIENDS of the PEOPLE in ENGLAND. 3*d.* or 100 20*s.*

10. Mr. **MARGORATT'S LETTER** to Mr. **DUNDAS**. 1*d.* or 100 7*s.*

11. ADDRESS of the LONDON CORRESPONDING SOCIETY to the PENSION and PLACE CLUB, at the Crown and Anchor. 1*d.* or 100 7*s.*

12. **JOHN BULL** to **THOMAS BULL**. 1*d.* or 100 7*s.*

13. The MANIFESTOS of the DUKE of BRUNSWICK, GENERAL BURGÖYNE, EMPEROR of GERMANY, and the KING of PRUSSIA, to which is added The ROYAL PROCLAMATION, PRAYER on the KING'S RECOVERY, and JUDGE **ASHURST'S CHARGE** to the GRAND INQUEST.  
1*d.* 6*d.*

